

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Adan Gonzalez,

Plaintiff,

v.

Lance Hetmer, *et al.*,

Defendants.

No. CV-22-01672-PHX-JJT (ESW)

ORDER

At issue is the Report and Recommendation (Doc. 55, “R&R”) entered in this matter by United States Magistrate Judge Eileen S. Willett recommending that the Court dismiss Count 3 of the First Amended Complaint and dismiss several Defendants from the action. In the R&R, Judge Willett warned the parties that they had fourteen days from service of the R&R to file specific objections thereto, and that “failure to file timely objections to the Magistrate Judge’s [R&R] may result in the acceptance of the [R&R] by the District Court without further review. *Reyna v. Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).” (R&R at 3.) As the case is subject to electronic filing (Doc. 3) and Plaintiff has access to CM/ECF, the R&R was served on him upon its entry into ECF, on May 18, 2023, and his fourteen days to object to the R&R ran on June 1, 2023. More than two weeks have passed since that deadline and Plaintiff still has filed no objections to the R&R. The Court thus may accept the R&R without further review. It nonetheless reviews the recommendations and their bases on their merits, and upon doing so, concludes Judge Willett’s reasoning is sound and supported in the law.

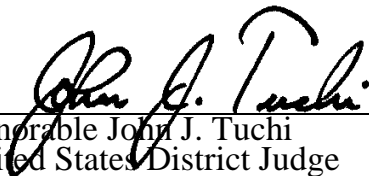
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2 The Court previously dismissed Count Three of the Complaint for the same reasons
3 Judge Willett now recommends again dismissing it from the First Amended Complaint.
4 Plaintiff has failed to amend Count Three to include any allegations that support a
5 conclusion that any defendant named in it took any adverse action against him because of
6 any protected conduct he engaged in. And Plaintiff fails to state a claim in any of his Counts
7 against Defendants Daniels, Johnson, Doe, Pacheco, Monson, Parks, Sutton or Evans.
8 Plaintiff names them but fails to tie them through any allegations to any of the remaining
9 claims. Thus the Court will again dismiss them from the operative First Amended
10 Complaint. This matter will now move forward with the remaining claims and Defendants
11 not dismissed.

12 **IT IS ORDERED** adopting in whole the R&R entered by Judge Willett in this
13 matter (Doc. 55).

14 **IT IS FURTHER ORDERED** dismissing Count Three of the operative First
15 Amended Complaint (Doc. 54).

16 **IT IS FURTHER ORDERED** dismissing from this action Defendants Daniels,
17 Johnson, General Counsel Doe, Pacheco, Monson, Parks, Sutton and Evans.

18 Dated this 16th day of June, 2023.

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21 Honorable John J. Tuchi
22 United States District Judge
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